THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 31018 of 1997
Date: 11-07-2007

Between:
P.Manjulamma and others

Petitioners

And

The Mandal Revenue Officer,
Pendlimarri, Cuddapah District and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.31018 of 1997

ORDER:

1. The writ petitioners have called in question the orders passed by the Mandal Revenue Officer, Pendlimarri Mandal of Cuddapah District in his proceedings dated 26-09-1997, directing the writ petitioners amongst others not to enter upon the land mentioned therein or to carry out agricultural operations or indulge in any activity of reclamation of land.

2. It is not in dispute that the writ petitioners have been granted Eksal patta for the purpose of cultivating lands situated in Survey No.39 of Machanur Village of Pendlimarry Mandal in Cuddapah District through the proceedings dated 08-09-1995 of the Mandal Revenue Officer. Each of the petitioners are continuing in possession of the land of an extent of Ac.1.50 cents and they assert that they have brought it into cultivation. By the very nature of the patta, it is manifestly clear that it's operation itself lasts for one year and further the conditions subject to which it was granted and make this position very clear. In fact, Condition No.30 in the Eksal Patta clearly states that on the determination of the grant by efflux of time or otherwise the grantee shall quit the land leased out and the Government shall be entitled to enter into and take possession of the land without further issuing any notice to the grantee and dispose of the matter in the manner they choose. Therefore, the very grant being limited for one year during which period admittedly the writ petitioners have not been disturbed, the impugned order passed by the Mandal Revenue Officer being beyond the period of the grant itself, I do not find any justifiable reason to interfere with the orders passed by the Mandal Revenue Officer on 26th Septembr,1997.

3. In fact, the learned Assistant Government Pleader for Revenue has pressed into service the judgment rendered by a learned single judge of this Court in **V.Venkateshwarlu Vs The Joint Collector, Chittoor District and another** [1] contending that the grantee of the Eksal patta has taken the grant subject to the terms and conditions contained therein and that he shall not therefore be permitted to turn around and solicit either renewal or the grant as fructifying into a permanent one either. " *After the expiry of the time, for which the Eksal patta was granted, the same gets automatically determined and the grantee is bound to quit the land without any notice and the respondents are entitled to take possession of the said land,"* is the view that has been spelt out by this Court in the aforementioned judgment. I am respectfully in agreement with the view expressed in the aforesaid case and I do not find any reason to interfere with the impugned order.

4. However, the writ petitioners have pointed out that they were in possession of the lands in question, for a very long period of time and that they have brought the useless lands into a good condition where agricultural operations can be undertaken now. Therefore, the learned counsel for the writ petitioners would urge that the respondents should be directed to grant patta in favour of the writ petitioners if not for any other reason, for the reason of their hard labour, which has brought the land to it's present shape and standard. While I do concede that the precious resources available with the State particularly agricultural lands should not be put to waste and they should be put to effective use, but at the same time the State has got to necessarily consider the question of granting the patta in favour of the most eligible. It is hardly in doubt that the policy pursued and followed by the State Government ensures that the Scheduled Castes, Scheduled Tribes, Backward Classes and economically weaker sections of the members of the society to be preferred in the matter of assignment of agricultural lands. It is therefore, incumbent upon the respondents to identify the most eligible in the village and in the process assign them the lands.

5. The learned Assistant Government for Revenue had asserted that the writ petitioners are not eligible for grant of patta inasmuch as their respective spouses are having extensive lands in the village. I do not wish to express any opinion on such a contentious issue. It is for the Mandal Revenue Officer to conduct a local enquiry in the matter and identify the most eligible and suitable persons for assigning the land in question. In the process, the Mandal Revenue Officer shall also take into account and consideration the claims of the writ petitioners exclusively with reference to their social status. He shall not in any manner be influenced by the fact that they were granted Eksal patta previously and they continued to be in possession of the land for long periods of time. The report in this regard be submitted by Mandal Revenue Officer within a period of two months and based thereon the Joint Collector-Second Respondent herein shall pass suitable orders for assigning the land in question. For any reason, if the writ petitioners are not chosen for being granted the pattas, they shall hand over possession and shall not create any hurdles or problems for the grantee to be inducted into possession of the land . Till this exercise is however, completed, the writ petitioners be permitted to continue in possession of the land.

6. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

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[1] 1995 (1) An.W. R. page 1